

NAME: Monteihl, Craig**COURT NO: 07HF2373****LOG NO. 3072-2145**

TIME	ATTY	DATE	NOTES
	MM1	2/27/08	<p>Got email from DA Yvette Patko. Offer is 2 years, low term on F.A.</p> <p>T/C to DA. She won't tell me anything about what she has received. "Can't disclose." I explained that I believe this case was result of FBI operation. She doesn't buy that. I explained minutes of LA case. She say that alone is not going to sway her. We discuss information in discovery, letters she has received, facts of this case, and I try to persuade her that something is up, and it makes sense that D is working for FBI. But I run into the predicted problem – if this was FBI sting, she says, somebody with the FBI can pick up the phone and tell her that. She acknowledges that D has been working as operative, snitch, but does not buy that this case relates to such work.</p> <p>After much debate, convince her to come down to 16 months on first complaint. She would do that Friday. After that, filing amended complaint (actually D was already arraigned on it but she would apparently withdraw it)</p> <p>I told her I would talk to D tomorrow, let her know.</p>
	MM1	2/28/08	<p>Visited D at Main Jail.</p> <p>Conveyed DAO. D wants me to seek probation, CTS, on terms that he pay full restitution within one year, with "any number" as suspended prison sentence. I explained why this unlikely. D says if denied he will plead to 16 months. We discussed "reality" of D's situation – D claims to be FBI operative and that everything he was charged with related to that work. Under these circumstances, if left out to dry by FBI, some would say screw them and set for trial and run that defense, and let FBI and/or DA sweat the possibility of something secret being publicized. Problems – if true, why is no FBI agent stepping forward? (ie, jury may ask same question DA is now asking). May be impossible to sub FBI agent – immunity. There are clearly good defense issues regarding these women – potentially dirty, knew of scam, were breaking law themselves, and who would be stupid enough to keep giving him cash?</p> <p>D acknowledges that but says he can't go there. He likes his job, wants to preserve "the people" who hire/protect him. "There are matters of national security at stake." He also thinks pleading will protect his wife, who DA has, he says, threatened to go after. He will take 16 months if that is the best we can do.</p> <p>Discussed restitution. It is going to be a big number, over \$150k. D understands. Will pay it if needed to as term of probation. If not, he will agree to it, let them come after him to collect. D says he is owed about that amount for past/current work, which will have big bonuses because of the results.</p> <p>T/C to DA. Tried to sell her on probation. No deal, unless D can pay it up front. Not a probation case. DA is concerned that down the road we will argue that he can't be imprisoned for failure to pay, even if that is explicit term (true). In any case, doesn't trust D not to split.</p>